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Herrmann, Lucia

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RESEARCH

Different Histories of the Present. On the Spanish Reception of Michel Foucault's *Surveiller et Punir* and the Issue of Political Prisoners

Lucia Herrmann

University of Zurich, CH
lucia.herrmann@fsw.uzh.ch

In the mid-1970s Foucault's work on the birth of the prison entered contemporary debates about the prison in Spain in various instances. Reading Foucault's writings and their Spanish reception next to each other, it becomes clear that one question central to the Spanish prison debates at the time was hardly mentioned in *Surveiller et Punir*: namely, the relationship between political and non-political prisoners. After a brief contextualization of Spanish prison debates in the 1970s and their reference to Foucault's work, this paper first outlines in what way the issue of political prisoners was (in the Spanish case) or was not (in Foucault's prison study) discussed and why. Based on this comparison the paper clarifies the link between past and present in Foucault's approach of a "history of the present." It then draws on an interview where Foucault did reflect on the issue of prisoner categories and concludes with a suggestion for productively using Foucault's methods as tools to analyze historically changing debates about the issue of political prisoners as a history of contingent problematizations.

Keywords: foucault; spain; prison; political prisoners; groupe d'information sur les prisons (GIP); history of the present; problematization; criminality

1. Introduction

Michel Foucault understood his 1975 study on the birth of the prison as a contribution to "the history of the present."¹ The "present" he referred to was marked by a number of prison revolts and protests which had emerged in France and several other countries, such as the United States, Italy and Great Britain, at the beginning of the 1970s. Anti-prison movements, led by former prisoners and supported by intellectuals, fought against the existing incarceration regime. One such movement was the *Groupe d'Information sur les Prisons* (GIP, *Prison Information Group*), which aimed to foster contacts across prison walls in order to make prisoners' voices heard in the French public. Foucault was one the GIP's promoters and his activism for and with (former) inmates influenced his later interest in the history of penitentiary institutions.²

The same year *Surveiller et Punir* was published, France's neighboring country Spain saw a new level of political crisis. After dictator Francisco Franco's death in November 1975, the country entered a phase, which in retrospect would be called the "transition to democracy." Protest movements in and around Spanish prisons shaped this transitional process in various ways. Some of the actors involved drew on Michel Foucault's activism and his theoretical work on prison to support their own agenda. However, reading Foucault's writings and their Spanish reception next to each other, it becomes clear that one question central to the Spanish prison debates at the time was hardly mentioned in *Surveiller et Punir*: the relationship between political and non-political prisoners. After a brief contextualization of Spanish prison debates in the 1970s and their reference to Foucault's work, this paper

¹ Michel Foucault, *Surveiller et Punir. Naissance de La Prison*, Bibliothèque Des Histories (Paris: Gallimard, 1975), 35. For instructive comments on earlier versions of this paper I would like to thank Clara Maier, Peter Fritz and Patrick Kilian; I would also like to thank *Le Foucauldien*'s editors and the two anonymous reviewers for their comments and helpful suggestions on the penultimate version of this paper.

² See Perry Zurn and Andrew Dilts, eds., *Active Intolerance. Michel Foucault, the Prison Information Group, and the Future of Abolition* (Basingstoke: Palgrave Macmillan, 2016); Cecile Brich, "The Groupe D'information Sur Les Prisons: The Voice of Prisoners? Or Foucault's?," *Foucault Studies* 5 (2008): 26–47; Marcelo Hoffman, *Foucault and Power. The Influence of Political Engagement on Theories of Power* (New York, London: Bloomsbury Academic, 2014).

first outlines in what way the issue of political prisoners was (in the Spanish case) or was not (in Foucault's prison study) discussed and why. Based on this comparison the paper clarifies the link between past and present in Foucault's approach of a "history of the present." It then draws on an interview where Foucault did reflect on the issue of prisoner categories and concludes with a suggestion for productively using Foucault's methods as tools to analyze historically changing debates about the issue of political prisoners as a history of contingent problematizations.

2. Spanish Anti-Prison Movements and Michel Foucault

Spanish prisons became a controversial topic long before the dictator died in 1975. For at least two decades clandestine campaigns in Spain and protest movements abroad had been mobilizing public opinion for the release of political prisoners. The fight for an amnesty for all political detainees indeed allowed otherwise conflicting anti-Francoist opposition groups to fight for a common cause. Condemning the state of Spanish penitentiaries became a means to criticize the Franco regime and what it represented. During the time of "transition" in the mid-1970s, several Spanish cities saw massive demonstrations that contributed to making the granting of an amnesty the prerequisite for any further political development.³

When the new government and parliament finally passed the long expected amnesty laws (in 1976 and 1977 respectively), the legal texts primarily targeted those who were prisoners because of "political" offences. As a consequence, groups of non-political prisoners organized protests, riots and hunger strikes in several Spanish prisons, especially in Barcelona and Madrid. Calling themselves "social" prisoners, these detainees also claimed to be victims of Franco's dictatorship and demanded to be released. When in July 1976 "social" prisoners related to the *Coordinadora de*

³ See Paloma Aguilar, "Collective Memory of the Spanish Civil War: The Case of the Political Amnesty in the Spanish Transition to Democracy," *Democratization* 4, no. 4 (1997): 88–109, Pamela Beth Radcliff, *Making Democratic Citizens in Spain. Civil Society and the Popular Origins of the Transition, 1960–78* (London: Palgrave Macmillan UK, 2011), Carme Molinero, "La Ley de Amnistía de 1977: La Reivindicación Antifranquista y Su Lectura Treinta Años Después," in *30 Años de La Ley de Amnistía (1977–2007)*, ed. M. Jesús Espuny Tomás (Madrid: Dykinson, 2009), 41–55.

Presos en Lucha (COPEL, *Coordinator of Prisoners in Struggle*) climbed the roof of Madrid's biggest prison Carabanchel and publicly manifested their anger, prisoner revolts had reached a new quality.⁴ Even though there had been some non-political prisoners' protests before, they had never reached this amount of public attention. In fact, in a 1973 report on "political imprisonment in Spain," the international human rights organization Amnesty International had explained that, unlike in France or the United States, the "struggle against penal systems" in Spain was led by political prisoners, as criminal prisoners "generally [did] not have the same kind of awareness of their own situation."⁵ The continuous outburst of violence in and around the prisons in 1977 gave rise to demands for a reform of the existing penal code and penitentiary regulations.

Valentín Galván has pointed to the various instances in which Michel Foucault's work entered contemporary Spanish debates about the prison in the mid-1970s.⁶ Prisoners' and solidarity movements in Madrid and Barcelona composed of former "social" or "common" prisoners and their families used the French *GIP*'s pamphlets as inspiration for their own activism and publications, attempting to "give prisoners a voice." One of these solidarity movements listed *Surveiller et Punir* (the original French version) as recommended reading in its bulletin with the title "Quienes no han tenido jamás el 'derecho' a la(s) palabra(s) la(s) toman Ya!!" ("Those who have never had the 'right' to word(s) [right to speak up] seize them now!").⁷ There seem to have even been some personal encounters between Michel Foucault and Spanish prison activists. In an interview published in 2003, former members of Barcelona's prisoners' rights movement recalled at one point going to see Michel Foucault at his home in Paris.⁸ Apparently Foucault also attended a

⁴ On the "social" prisoners' movement and the history of COPEL see César Lorenzo Rubio, *Cárceles En Llamas. El Movimiento de Presos Sociales Durante La Transición* (Barcelona: Virus, 2013).

⁵ Amnesty International, ed., *Political Imprisonment in Spain* (London: Amnesty International, 1973), 5.

⁶ Valentín Galván, *De Vagos y Maleantes. Michel Foucault En España* (Barcelona: Virus, 2010), 104–135.

⁷ Galván, *Vagos y Maleantes*, 110.

⁸ However, in this interview the authors do not specify the date and occasion of this meeting, Centre de Documentació – Col·lectiu Arran, ed., "Càrcel y Movimientos Sociales En Barcelona (1969–1979)," *Panoptico* 4, nueva época, no. 2 (2002): 207–12, 208.

conference against the Spanish "law of social danger" (Ley de Peligrosidad Social) in Madrid in November 1977.⁹ In spring 1978, after intensive work on reforming the penal code, the new bill was discussed in parliament. A Basque member of the senate, promoting the vision of abolishing prisons all together, referred to Michel Foucault's prison genealogy in order to support his argument.¹⁰ Foucault, he explained, had written in 1975 that prisons once constituted a significant progress in the eyes of 19th century French reformers. "Today", however, this progress was rather to be seen as the "lingering on of a social nefariousness."¹¹

3. "As long as there are common prisoners, there will always be political prisoners."

While Foucault's *Surveiller et Punir* entered Spanish debates in various instances, a reference to the study was particularly prominent in one publication on the history of Spanish prisons: the *Libro blanco sobre las cárceles franquistas* (White Book of Francoist Prisons), which was published in 1976 shortly after the outbreak of prison revolts in Spain under the pseudonym "Angel Suárez y Colectivo 36" by the publishing house *Ruedo ibérico*.¹² At that moment the publishers were still exiled in Paris but their publications were directed towards a Spanish audience. For a long time this White Book, which accumulated a wide range of source material, was seen as the most important point of reference for historians working on the history of prisons during the Franco period. The book's very first footnote explained that the introductory chapter was "in large parts a critical comment [glosa] on Michel Foucault's excellent study *Surveiller et Punir*." The anonymous authors noted that the book had served as a "guiding

⁹ Galván refers to an editorial note in the Spanish journal *Cuadernos para el Diálogo*, which accompanied an interview with Michel Foucault conducted by Spanish philosopher Manuel Osorio: Manuel Osorio, "El Poder, Una Bestia Magnífica," *Cuadernos Para El Diálogo* 238 (19 November 1977): 19–25. See Valentín Galván, "Michel Foucault y Las Cárceles Durante La Transición Política Española," *Revista Internacional de Filosofía* 48 (2009): 21–37, 31.

¹⁰ Galván, "Michel Foucault y Las Cárceles Durante La Transición Política Española," 32–33.

¹¹ Bandrés Molet, "Sesión Plenaria Núm. 20," *Diario de Sesiones Del Senado*, Núm. 27 (Madrid: Senado, 24 May 1978), 1089.

¹² Angel Suárez and Colectivo 36, *Libro blanco sobre las cárceles franquistas* (Barcelona: Backlist, 2012 [1976]).

thread" to work out the "reality of the Francoist prison universe."¹³ This "thread" appears, for example, in the way the prison was interpreted as an integral part of bourgeois capitalist society and in the way the authors challenged the narrative of a civilizing progress in punishment practices. The chosen terminology also resembles Foucauldian writings when describing "penitentiary techniques" and "instruments of power."

Nevertheless, it seems the reference to Foucault's work on the birth of the prison was fulfilling more of a legitimizing purpose than constituting a real analytical tool for the study. The following chapters did neither mention *Surveiller et Punir* nor did they engage in any in-depth discussion of Foucault's central theses. While it is not known whether and to what extent the authors read or discussed Michel Foucault's publication during their work on the manuscript, the central positioning of the reference in the very first footnote is nevertheless an indication on how they wanted their work to be framed. Furthermore, one could argue that while the study's overall structure did not follow the theses in *Surveiller et Punir*, it adopted one of *GIP*'s central concerns. Even though the *GIP*'s work was not explicitly quoted, the Spanish White Book correlates more with Foucault's practical than his academic work. After a first, "historical" part that traced the evolution of the Francoist penitentiary system since the end of the Civil War, the second part of the *Libro blanco* was composed of a collection of commented documents (letters, bulletins, manifestos, etc.). These documents originated from within the Spanish prisons and their reproduction in the book aimed at "letting the prisoners' documents speak" instead of speaking about the prisoners.¹⁴

The introductory comment in the *Libro blanco* that so prominently referred to Foucault is nonetheless thought-provoking, such that it discussed the problem of "political prisoners," an issue Foucault himself did not engage with in *Surveiller et Punir*. Titled "Reflection on Prisons: Class Struggle or Prisoners' Struggle," the chapter formulated a political program and explained that these two struggles

¹³ Suárez and Colectivo 36, *Libro blanco*, 21, footnote 1.

¹⁴ Suárez and Colectivo 36, *Libro blanco*, 300.

did not exclude or contradict each other. Rather, the controversy on delinquency and illegality represented in itself an insurgency against the bourgeois state, the authors claimed. Franco's dictatorship was seen as part of a "capitalist logic" with all its contradictions.¹⁵ The authors further explained that the regime's "nature," namely the persistence of political repression, had led to certain peculiarities within Spanish prisons.¹⁶ Because any oppositional movement had been suppressed in Spanish society, the "traditional" distinction between "political" and "common" prisoners had been reinforced.¹⁷ This separation, the authors declared, had to be overcome: Political prisoners needed to understand that they were fighting a joint fight together with other prisoners against the ruling social system.¹⁸ The chapter concluded that "as long as there are common prisoners, there will always be political prisoners."¹⁹ In *Surveiller et Punir*, the work explicitly mentioned in the *Libro blanco*'s first chapter, Foucault barely mentioned "political prisoners" and did not engage in a discussion of their attitude towards other prisoners. How is this silence to be understood? And how does it conform to Foucault's intention to write a "history of the present"?

4. Giving a Voice to Whom?

In Foucault's present there was no lack of talk about political prisoners. Not only when it came to political imprisonment abroad, as exemplified by cases in Spain, Greece or Eastern Europe, but also regarding debates in France. Indeed, Foucault acknowledged that the beginning of the prisoners' revolts in France had been linked to political prisoners' protesting in French prisons since the 1960s in order to be recognized as "political prisoners."²⁰ Nevertheless, several authors have noted that Foucault himself did not make a distinction between "political" and

¹⁵ Suárez and Colectivo 36, *Libro blanco*, 21.

¹⁶ Suárez and Colectivo 36, *Libro blanco*, 23.

¹⁷ Suárez and Colectivo 36, *Libro blanco*, 23.

¹⁸ Suárez and Colectivo 36, *Libro blanco*, 44–45.

¹⁹ Suárez and Colectivo 36, *Libro blanco*, 48.

²⁰ Michel Foucault, "Prisons et Révoltes Dans Les Prisons," in: *Foucault. Dits et Écrits I (1954–1975)*, ed. Daniel Defert and François Ewald, (Paris: Quarto Gallimard, 2001): n. 125, 1293–1300.

"criminal" prisoners, neither in his practical nor in his theoretical work.²¹ Bernard E. Harcourt writes that because Foucault focused on the notion of "civil war," a distinction between political and non-political prisoners would not have made sense.²²

This approach is reflected in the writings of the *GIP*, in which Foucault famously participated.²³ When asked in an interview in March 1971 whether they distinguished between "political" and "criminal" prisoners, Foucault and Pierre Vidal-Naquet, speaking on behalf of the *GIP*, declared, "No, absolutely not."²⁴ The fact that not all prisoners were equal, however, became clear when Foucault and Vidal-Naquet explained that "the political prisoners have opportunities that criminal prisoners don't have. The chance to express themselves. Knowledge, relations, [and] contacts to the outside, so that they know what they say and what they do; and most importantly they experience political support which strengthens their actions."²⁵ Therefore, since political prisoners were able to articulate their demands, the *GIP* was not primarily concerned with their situation. The *GIP*'s objective was to make those heard in public whose voices had not been heard before in order to "reintegrate" the "fringe of the lower class" (the common prisoners) into political struggles, Foucault explained in April 1972.²⁶ In fact, Foucault considered the French Maoists' initial demand to be treated as "political prisoners" in hindsight as "a sort

²¹ See Daniel Defert, *Ein Politisches Leben. Gespräch mit Philippe Artières und Eric Favereau in Zusammenarbeit mit Joséphine Gross* (Berlin: Merve, 2015); Bernard E. Harcourt, "Course Context," in *The Punitive Society. Lectures at the Collège de France, 1972–1973*, by Michel Foucault, ed. Bernard E. Harcourt (Basingstoke: Palgrave Macmillan, 2015), 265–310.

²² Harcourt, "Course Context," footnote 21.

²³ See Philippe Artières, Laurent Quérou, and Michelle Zancarini-Fournel, eds., *Le Groupe d'Informations Sur Les Prisons. Archives d'une Lutte, 1970–1972* (St-Étienne: Éditions de l'IMEC, 2003).

²⁴ Michel Foucault, "Enquête Sur Les Prisons: Brisons Les Barreaux Du Silence," in *Foucault. Dits et Écrits I (1954–1975)*, ed. Daniel Defert and François Ewald, (Paris: Quarto Gallimard, 2001): n. 88, 1044–1045.

²⁵ "Les politiques ont, eux, des moyens que les droits-communs n'ont pas. Des moyens de s'exprimer. Des connaissances, des relations sociales, des contacts extérieurs qui permettent de faire savoir ce qu'ils disent, ce qu'ils font, et surtout le support politique qui fait rebondir leur action.," Foucault, "Enquête Sur Les Prisons," 1045.

²⁶ Michel Foucault and John K. Simon, "Michel Foucault on Attica: An Interview," *Social Justice* 18, no. 3 (45) (1991): 26–34, 31.

of political mistake," because they hadn't understood that the "prison's elimination of common-law prisoners was part of the system of political elimination of which they were themselves the victims."²⁷ Furthermore, the *GIP*'s focus was directed at gathering information about the functioning and "intolerable" conditions of incarceration as such.²⁸

Accordingly, Michel Foucault told Niklaus Meienberg in March 1972: "The problem is: One has to provide a critique of the system which allows to explain the process of how society nowadays pushes a part of society to the margins. That's what it is all about."²⁹ Political prisoners did not belong to this part of society; they were not at the margins. In *Surveiller et Punir*, where Foucault later formulated such a "critique of the system" as part of his theoretical work, he mentioned political prisoners only once. Citing from a nineteenth century journal, he noted that there had existed at the time a shared belief that political prisoners were supposed to speak out for criminal prisoners.³⁰ Apart from this passage, they were not part of the story because they were not part of the problem that he aimed to address, namely an analysis of the emergence of disciplinary power and specific political technologies of the body as exemplified in the institution of the prison.

By contrast, the idea of political prisoners speaking out for common prisoners and the issue of this relationship was essential to the *Libro blanco sobre las cárceles franquistas* in 1976. Much like the *GIP* had aimed to give prisoners "la parole," the authors wanted to "let the prisoners' documents speak."³¹ However, they had

²⁷ Foucault and Simon, "Attica," 32.

²⁸ This gathering of information was explicitly framed as an "intolerance investigation" [enquête-intolérance], in contrast to "sociological investigations" [enquête sociologique] or "curiosity investigations" [enquête-curiosité], see *GIP*, "Enquête-Intolérance (Mars 1971)," in *Le Groupe d'Information Sur Les Prisons. Archives d'une Lutte, 1970–1972*, ed. Philippe Artières, Laurent Quérou, and Michelle Zancarini-Fournel (St-Étienne: Éditions de l'IMEC, 2003), 53–54.

²⁹ "Le problème est le suivant: offrir une critique du système qui explique le processus par lequel la société actuelle pousse en marge une partie de la population. Voilà," Michel Foucault, "Le Grand Enfermement," in *Foucault. Dits et Écrits I (1954–1975)*, ed. Daniel Defert and François Ewald, (Paris: Quarto Gallimard, 2001): n. 105, 1164–1174, 1174.

³⁰ Foucault, *Surveiller et Punir*, 294.

³¹ Suárez and Colectivo 36, *Libro blanco*, 300.

to acknowledge that they were mostly relying on "political prisoners' voices."³² Furthermore, they (whose real names were not mentioned in the study) described themselves as former "political prisoners." Behind the pseudonym "Angel Suárez y Colectivo 36" were in fact *Ruedo ibérico's* editor José Martínez Guerricabeitia, one of his co-workers Alfonso Colodrón (both in France at the time), and the journalist Luciano Rincón, who lived in the Basque Country.³³ In fall 1974 Martínez had already mentioned the book project to Rincón in a letter and stressed, "Everything that has to do with prisons is in fashion right now." The somewhat complicated background may account for some of the book's argumentative inconsistencies, and the Spanish authors' biographies were also reflected in their explicit identification as "former political prisoners." Luciano Rincón had only been released from a Spanish prison a couple of months before. He had been sentenced to three years for writing critical texts on Francisco Franco.³⁴ The other person mainly in charge of the *Libro blanco*, the editor and writer José Martínez, had also experienced imprisonment in Francoist penitentiaries for his political activities. While Rincón had just been released, Martínez' imprisonment dated back to the end of the Spanish Civil War and the beginning of the Franco regime. Martínez, who was considerably older than Rincón, had been exiled in France since 1948.

The *Libro blanco's* authors wished to give all prisoners a voice but they were well aware of their own situatedness. In order to make *all* Spanish prisoners' voices heard, these former *political* prisoners decided to speak up for them. While they affirmed their identity as "political prisoners" and emphasized the importance of political prisoners' historical acts of resistance, they at the same time sought to overcome a perceived division between "political" and "common" prisoners in their country. The *Libro blanco* should therefore be seen as an attempt to change existing political debates about prisons in Spain (towards questions similar to those raised earlier by

³² Suárez and Colectivo 36, *Libro blanco*, 48.

³³ Albert Forment, *José Martínez: La Epopeya de Ruedo Ibérico* (Barcelona: Anagrama, 2000), 497.

³⁴ In 1964 *Ruedo Ibérico* had already published a monograph written by Luciano Rincón (writing as Luís Ramírez) where he reflected on his first experiences in prison at the beginning of the 1960s: Luís Ramírez, *Nuestros Primeros Veinticinco Años*, Testimonios (Paris: Ruedo ibérico, 1964).

the *GIP*) while at the same time taking into account the historical importance of political prisoners' struggles during the Franco dictatorship.

5. Past and Present

The different ways of addressing the issue of "political prisoners" can partially be explained by the respective political context (France, Spain) and the authors' (non-) identification with the issue that influenced this initial analysis. It should not be overlooked that Foucault explicitly clarified in a footnote that his study on the birth of the prison only referred to the French context.³⁵ One could argue that both studies, *Surveiller et Punir* and the *Libro blanco*, were "histories of the present." After all, both were motivated by a concern to understand the present. David Garland has stressed the importance of an initial analysis, a "critical distancing from the present," that preludes a Foucauldian "history of the present."³⁶ Genealogies, Garland writes, "begin with a certain puzzlement or discomfiture about practices or institutions that others take for granted."³⁷ In the case of *Surveiller et Punir*, it was the institution of the prison and the practice of incarceration that Foucault no longer wanted to take for granted but, instead, question historically. In the *Libro blanco*, it was the difference between political prisoners and common prisoners, as expressed in contemporary demands for amnesty laws for "political" prisoners in Spain, which the authors aimed to rethink. But even though both studies started from a (context-sensitive) diagnosis of the present, was the Spanish book a "history of the present" as defined by Foucault?

While there is much to be said about Foucault's "history of the present," the point I wish to focus on here is the way past and present relate in this approach, i.e. the function of historical analysis for the present. In the *Libro blanco* the link between past and present was an immediate one. The authors analyzed the recent history of Spanish prisons during the Franco period in order to explain a present

³⁵ Foucault, *Surveiller et Punir*, 35, footnote 1.

³⁶ David Garland, "What Is a 'History of the Present'? On Foucault's Genealogies and Their Critical Preconditions," *Punishment & Society* 16, no. 4 (2014): 365–84.

³⁷ Garland, "What Is a 'History of the Present'?", 379.

situation in Spain. This analysis was supposed to contribute to a desired and explicitly articulated political consciousness. To this end the White Book provided facts, numbers, and testimonies that were to facilitate the kind of critique of "the system" that the authors formulated. This, in their view, was a necessary political practice. In this way, the book's historical analysis directed readers towards a path in the future and was framed in terms of progress. The issue of "political prisoners" depended on historical conditions that, according to the *Libro blanco*, were to be overcome. Foucault, in contrast, hardly mentioned contemporary developments in French prisons in *Surveiller et Punir*. The time period he discussed ended much earlier in the 19th century. Furthermore, in a 1978 interview, Foucault made it clear that he did not want his study to be seen as a "truth-book" [livre-vérité] or an "evidence-book" [livre-démonstration].³⁸ In his opinion, it was rather an "experience-book" [livre-expérience].³⁹ Foucault wanted this "experience" to function in two ways: the book was supposed to express an existing, ample "experience" that was in flux. "Experience" in this context, he specified, did not mean something "purely subjective" [échapper la pure subjectivité] but something that others could coincide with [croiser, retraverser].⁴⁰ Like that, the book was supposed to reflect an "experience" that was linked to a changing "collective practice" or "style of thinking."⁴¹ At the same time the book was, as Foucault put it, "an agent" that was, at least to a small extent, supposed to work towards a transformation.⁴² In this way, Foucault saw *Surveiller et Punir* as both an analysis of and a contribution to a problematization in the present. This contribution then did not result in formulating readily applicable answers of "truth" or "evidence," nor did it provide simple solutions for contemporary problems. Instead, Foucault demonstrated these problems' contingency and historicity. In doing so, he intended to allow readers to rethink and question the present and, what

³⁸ Michel Foucault, "Entretien Avec Michel Foucault," in *Foucault. Dits et Écrits II (1976–1988)*, ed. Daniel Defert and François Ewald (Paris: Quarto Gallimard, 2001): n. 281, 860–914, 866.

³⁹ Foucault, "Entretien," 866.

⁴⁰ Foucault, "Entretien," 866.

⁴¹ Foucault, "Entretien," 865.

⁴² Foucault, "Entretien," 866.

was more, to reassess their own relation with the present. Reading *Surveiller et Punir* was supposed to function as a transformative "experience."⁴³

Even though I would agree with Marcelo Hoffman's argument that Foucault's theoretical work was not only informed but animated by his practical work, *Surveiller et Punir* as a study was not an activist book. Nevertheless, as mentioned above, Spanish anti-prison activists made reference to Foucault's study in order to legitimize their political claims. But while Foucault's analysis of the emergence of disciplinary power might have lead readers to rethink their present, Foucault did not formulate a normative critique of that present nor did he give advice on how to change it. His intervention into the present by means of historical analysis was not as direct as the Spanish *Libro blanco*'s. As Colin Koopman writes, "Foucault never denounced discipline."⁴⁴ Foucault analyzed the functioning of discipline as part of a complex of power and knowledge in order to identify its inherent dangers, not in order to overcome it.

6. A Matter of Tactics

The fact that Foucault did not problematize the relationship between "political" and non-"political" prisoners in his practical and theoretical work does not mean that he wasn't well aware of such debates and the problematic situation of political prisoners in various countries at the time. In 1975 he actually joined a press conference in Madrid where – together with others – he denounced recent death sentences for Spanish activists.⁴⁵ So the remaining question is: how did Foucault reconcile his approach with contemporary debates about and claims of prisoners abroad who perceived themselves as "political" or different from "common" prisoners? What resources did Foucault offer to study such debates?

⁴³ Foucault, "Entretien," 866. For a more detailed discussion on Foucault's concept of "problematization" see Colin Koopman, *Genealogy as Critique. Foucault and the Problems of Modernity* (Bloomington: Indiana University Press, 2013).

⁴⁴ Colin Koopman, *Genealogy as Critique*, 96.

⁴⁵ Michel Foucault, "Aller à Madrid," in *Foucault. Dits et Écrits I, 1954–1975*, ed. Daniel Defert and François Ewald, (Paris: Quarto Gallimard, 2001), n. 158, 1628–1630.

Two elucidating statements regarding these questions can be found in an interview from 1976 when K. S. Karol asked Foucault what he thought of political dissidents in the Soviet Union who had made derogatory comments about common prisoners.⁴⁶ First, Foucault showed a certain sympathy for this kind of attitude, explaining that these conflicts had to be understood in their "tactical relativity."⁴⁷ There existed a "valid old historical dispute between the common criminals and opposition members" that Foucault related to a parallel "tactic of all powers" [la tactique de tous les pouvoirs] to try to merge all prisoners into one single and reduced form of "criminality." Therefore, it was in his view comprehensible that dissidents in the Soviet Union tried to distance themselves from the rest of the detainees in order to denounce their own situation of repression and to defend their specific claims. Nevertheless, for Foucault this position seemed to be a "tactical" one. He then clarified, and this is the second statement that is vital in this regard, that in the case of France, his answer would be different. In a country like France, the "important distinction" was not between "political" and "criminal" prisoners, he explained. The dichotomy to be problematized in the French context was one of "illégalismes profitables et tolérés" (those who profit from the legal order because their offences were seen as acceptable) on the one hand and "illégalismes rudimentaires" (those whose offences were dealt with by the "punitive apparatus" thereby producing "delinquency") on the other.⁴⁸

Following Foucault's argument, as I read it, the identification as "political prisoner" is not stable but a matter of dispute and based on what he calls "tactical positions." If a group of prisoners or detainees claims to be treated differently than the rest, this claim is primarily addressed to the authority that imprisons them. It poses a challenge to that authority's notion of "criminality" or "delinquency." In this way the claim aims to delegitimize the act of imprisonment,

⁴⁶ Michel Foucault, "Michel Foucault: Crimes et Châtiments En U.R.S.S. et Ailleurs...", in *Foucault. Dits et Écrits II (1976–1988)*, ed. Daniel Defert and François Ewald (Paris: Quarto Gallimard, 2001), n. 172, 63–74.

⁴⁷ "Mais il faut voir les choses dans leur relativité tactique," Foucault, "Crimes et Châtiments," 66.

⁴⁸ Foucault, "Crimes et Châtiments," 67.

the treatment in prison or, on a more general level, the acting authority itself. Similarly, a government's refusal to acknowledge the existence of a separate category of prisoners as "political prisoners" reveals an attempt to generalize and to conceptualize a prison population as "criminal."

Interestingly, the *Libro blanco's* authors referred to this 1976 interview with Foucault in a paragraph in the second chapter of their book.⁴⁹ In this chapter they interpreted the fact that "political prisoners" in Spain had so vehemently fought for their status under Francisco Franco's rule in terms of "tactics." The prisoners "permanent demand" to be "differentiated," they argued, was "perhaps the only tactic possible until very recently" to confront a state that had treated them with the same "sentiment of rejection" as the common prisoners.⁵⁰ During the transitional phase from dictatorship to parliamentary monarchy the assumption that making a distinction between "political" and non-political prisoners was a tactical position that seemed plausible. For the Spanish White Book's authors, writing in the fall of 1976 shortly after a series of prison revolts but only one year after the dictator's death, understanding and re-evaluating the relationship between "political" and "common" prisoners was a necessary step in order to be able to challenge the existing incarceration regime in Spain. They were cautious to stress that Franco's "political prisoners" had not simply disappeared but rather become the monarchy's "political prisoners."⁵¹ In an attempt to overcome the perceived division among prisoners and their supporters, they advised to analyze the issue of "political prisoners" not as a separate problem but as intertwined with the cause of "common prisoners." Following their argument, the existing tactics in and around prisons were supposed to be changed. In their concluding chapter they stressed the need for a "total battle" [lucha total] against a "total enemy."⁵² While one could argue that Martínez and Rincón were inspired by Foucault's approach,

⁴⁹ Suárez and Colectivo 36, *Libro blanco*, 65, footnote 15.

⁵⁰ Suárez and Colectivo 36, *Libro blanco*, 65.

⁵¹ Suárez and Colectivo 36, *Libro blanco*, 641.

⁵² Suárez and Colectivo 36, *Libro blanco*, 642.

the historical analysis they provided, however, was not Foucauldian since it was framed as a direct political intervention in the Spanish present.

7. New Histories

What do we gain from a discussion of the contemporary reception of Foucault's work in the Spanish context and especially in the *Libro blanco*? I'd like to conclude with three insights from the discussion above and add one suggestion for future research. First, in the mid-1970s, Foucault's theses were referred to and used as analytical tools for political debates within a context of political transition in Spain. Two contemporary Spanish ex-prisoners referred to Foucault's academic work in order to legitimize their study of Spanish prisons during the Franco regime. In their reading Foucault's historical analysis was compatible with their demands for prison abolitionism. Even though a content analysis of the Spanish book suggests that it conformed much more to the work of the *GIP* than the theses formulated in *Surveiller et Punir*, it seems like the authors did not bother to separate Foucault's practical work from his theoretical work.

Second, the question why Foucault did not discuss the issue of "political prisoners" in *Surveiller et Punir* even though it was heavily debated in the 1970s points to how highly contextual Foucault's object of inquiry was. Foucault judged some questions that were fundamentally important in other countries at the time as negligible in the French context. He wanted to understand why the prison, even though it had constantly failed its proclaimed goal of rehabilitating prisoners, was such a stable and enduring institution – a research interest that was animated by experiences made during his practical work with the *GIP*. Finally, reading *Surveiller et Punir* against the backdrop of the Spanish White Book helps to clarify not only Foucault's object of inquiry but also his methodology and his specific understanding of a "history of the present." This was not, as in the case of the *Libro blanco*, a type of historical analysis that should provide evidence for debates of obvious problems in the present. Rather, it was supposed to provide a genealogy of a problem that was not visible at first sight: a history that would enable people to transform their perception of the present.

Remarkably, the Spanish authors referred to Foucault's thoughts that he had formulated in an interview about imprisonment in the Soviet Union in order to explain the problematic situation of "political prisoners" under Francisco Franco's rule. They used Foucault's thinking as a kind of tool to make the Spanish problem comprehensible. Based on this empirical finding and inspired by Colin Koopman and Tomas Matza's distinction between Foucault's "concepts" and "analytics," I would like to conclude with some thoughts on future research.⁵³ Koopman and Matza recommend distinguishing between Foucault's "concepts" and his "analytics" in order to clarify *how* to properly use Foucault's work in contemporary research.⁵⁴ "Concepts," they explain, "specify the formulations through which Foucault made sense of the objects of his inquiry" (e.g. discipline, biopower). "Analytics," on the other hand, are the tools, the "methodological constraints, limits, and assumptions" that configure a Foucauldian inquiry (e.g. archeology, genealogy).⁵⁵ While Foucault's "concepts" are highly context specific and should therefore not be used as universal categories in contemporary inquiry, Koopman and Matza argue for a productive use of Foucault's "analytics" to work on research questions that Foucault himself did not address.⁵⁶ Taking "tactical positions" among prisoners and the state into consideration is a useful step to help us reflect on the many complex relationships within and across prison walls, as exemplified in the Spanish case. This holds true for the interpretation in the *Libro blanco* at the time but also for debates in the years following the publication of the book. The radical view of prison abolitionism that the *Libro blanco*'s authors had promoted in 1976 was not reflected in the 1977 amnesty law, which, although it increased the number of released detainees for "political offenses" and even included Francoist officials, did not guarantee the release of all prisoners. When in 1977 the above-mentioned *COPEL* and similar anti-prison groups fought for prisoners' rights,

⁵³ Colin Koopman and Tomas Matza, "Putting Foucault to Work: Analytic and Concept in Foucaultian Inquiry," *Critical Inquiry* 39, no. 4 (2013): 817–40.

⁵⁴ Koopman and Matza, Putting Foucault to Work, 819–820.

⁵⁵ Koopman and Matza, Putting Foucault to Work, 825–826.

⁵⁶ Koopman and Matza, Putting Foucault to Work, 837–838.

there was only little talk about "political prisoners" left. Interestingly, these groups frequently used another alternative term to denominate the prisoners they were fighting for: "social prisoners." In this way, they changed the tactics and made use of another prisoner category in order to denounce what they perceived as an act of criminalization by a repressive state.

Such a historical analysis of changing debates about "political prisoners" or more generally of the contested use of prisoner categories in terms of "tactical positions" should not be an end in itself or, as in the *Libro blanco*, result in a somewhat teleological understanding of history. Rather, it seems to me that if we look at the "political prisoner" as a "conceptual figure"⁵⁷ we might ask about the problems this figure was (or is) entangled with. Such a focus would allow us, for example, to better understand contingent problematizations of "criminality" and "legitimate state authority." Who calls him-/herself a political prisoner and why? In what way are certain prisoners perceived as different from "common delinquents"? Who may legitimately be imprisoned and punished by a state? Analyzing the changing answers to these questions over time and the specific practices and knowledge they are based on, we might also contribute to historicizing Foucault's thinking and the work of the *GIP*. Why did prison activists in France and elsewhere in the 1970s decide that the historical distinction between "political" and "common" prisoners was obsolete? Why has the figure of the "political prisoner" not disappeared? If we make use of Foucault's methods in order to formulate different questions about the issue of "political prisoners" in the past, we can contribute to new histories that might also reshape our understanding of the present.

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⁵⁷ Koopman and Matza, Putting Foucault to Work, 825.

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